



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/814,210      | 03/21/2001  | Jim Spelman          | SJM-10002/15        | 2314             |

7590 03/27/2002

Douglas J. McEvoy  
Gifford, Krass, Groh, Sprinkle,  
Anderson & Citkowski, P.C.  
280 N. Old Woodward Ave., Suite 400  
Birmingham, MI 48009

EXAMINER

DAVIS, CASSANDRA HOPE

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3611

DATE MAILED: 03/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/814,210

Applicant(s)

SPELMAN, JIM

Examiner

Cassandra Davis

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

Art Unit: 3628

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

**The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words.** It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Pasker, U. S. Design Patent 263,972. Pasker teaches a hand held message board with changeable message cards comprising a display portion with a handle, a pair of spaced holes along the top edge of the display portion, a plurality of message cards, and a pair of rings for securing the cards to the display portion through the holes.

Art Unit: 3628

3. Claims 1, 2, 3, 4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnston, U. S. patent 2,915,849. Johnston teaches a holder comprising a support including a handle portion 45, a rigid planar display portion 12, a plurality of display sheets 17 rotatably secured to the top edge of the display portion utilizing either rings 16 or spiral rings 14.. The sheets are mounted so that a sheet may be rotated from a first position adjacent a first side of the display portions to a second position adjacent the opposite side of the display portion.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasker.

6. With respect to claim 9, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the device taught by Pasker of a plasticized resins or polymers to produce a light weight, durable and inexpensive device.

7. With respect to claim 10, since the applicant does not teach that having the sheet having a width of 12" and a height of 6" solves any stated problem or is for any

particular purpose, it appears that construct the device of any suitable dimension would perform equally well.

8. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasker in view of Earnest, Jr., U. S. Patent 4,982,683d. Earnest teaches a hand held traffic signaling device comprising a plurality of panels hinged together utilizing a pair of rings 22. Each panel has a difference message and/or indicia thereon, such as "stop", "slow", left arrow and right arrow. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the device taught by Pasker with different messages thereon as taught by Earnest to convey information to passing motorist.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pasker in view of Morden, U. S. Patent 841,706. Morden teaches a ring binder comprising a first portion **a** and a second movable portion **b** hinged to the first portion at **e**. Morden also teaches latch comprising a pin **f** engagable with detent **g**. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the ring taught by Pasker with the ring taught by Morden to provide a means to selectively attached and remove the ring to the display portion.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pasker in view of Dinstbir, U. S. Patent 3,237,330. Dinstbir teaches a warning device for vehicles comprising a panel 10 a post/handle inserted in to a base member 31. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the device taught by Pasker mounted in the base member as taught by

Art Unit: 3628

Dinstbir to provide a means to selectively mount the device on the dashboard of a vehicle and to provide means of conveying information to passing motorist.

11. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasker in view of Dinstbir and Earnest et al. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the device taught by Pasker mounted in the base member as taught by Dinstbir to provide a means to selectively mount the device on the dashboard of a vehicle and to provide means of conveying information to passing motorist. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the device taught by Pasker with different messages thereon as taught by Earnest to convey information to passing motorist.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following U. S. Patents are cited to show device having sheets rotatably mounted thereto: Silence et al. – 4,886,390; Bonneville – Des. 327,229; and Johnston – 3,536,289.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers

Art Unit: 3628

for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

  
Cassandra Davis  
Primary Examiner  
Art Unit 3628

CD  
March 19, 2002